



JOHN NAIMO
AUDITOR-CONTROLLER

**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

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December 6, 2016

TO: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Hilda L. Solis
Supervisor Sheila Kuehl
Supervisor Janice Hahn
Supervisor Kathryn Barger

FROM: John Naimo
Auditor-Controller

SUBJECT: **PROBATION DEPARTMENT JUVENILE CAMPS - COMPLIANCE WITH
THE DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
REVIEW - JUNE THROUGH AUGUST 2016**

We completed a review to evaluate the Probation Department's (Probation or Department) continued compliance with 17 of the 42 provisions included in the Department of Justice (DOJ) settlement agreement. In February 2015, the DOJ noted in their final monitoring report that the County implemented all the settlement agreement provisions. A summary of the monitoring results for all 23 provisions is included in Attachment II and descriptions of the provisions are included in Attachment III.

Background and Scope

On August 17, 2010, the Board of Supervisors instructed the Auditor-Controller to monitor Probation's progress in implementing the DOJ settlement agreement provisions using the monitoring tools developed by Probation and the DOJ Monitor. Since the DOJ completed their monitoring in February 2015, we continued to monitor the provisions using Probation's updated monitoring tools. The monitoring tools include specific criteria which determine that Probation is in "substantial compliance" with the requirements of the provision if they receive a score of 80% or higher.

During this review, we evaluated Probation's continued compliance with the following 17 provisions at the 12 juvenile camps and two specialized units (camps/units). The review period covered one month at each camp/unit between June through August 2016.

- Provision 11 – Oleoresin Capsicum (OC or Pepper) Spray
- Provision 12 – Use of Force Review
- Provision 14 – Consumption of Alcohol by Staff
- Provision 17 – Rehabilitation and Behavior Management
- Provision 18 – Staff Training and Supervision of Youth
- Provision 19 – Reduction of Youth-on-Youth Violence (YOYV)
- Provision 20 – Child Abuse Reporting
- Provision 21 – Child Abuse Investigation
- Provision 23 – Grievance System
- Provision 27 – Management of Suicidal Youth
- Provision 29 – Documentation of Suicide Precautions
- Provision 30 – Supervision of Youth at Risk of Self-Harm
- Provision 31 – Suicide Precautions for Youth Awaiting Transfer to Another Facility
- Provision 32 – Suicide Prevention Training
- Provision 43 – Substance Abuse
- Provision 45 – Staff Understanding of Mental Health and Developmental Disability Needs
- Provision 73 – Increased Access to Community Alternatives

Results of Review

Probation maintained substantial compliance at all the applicable¹ camps/units for **Provisions 14, 18, 20, 21, 32, and 43**, and over 80% of Probation's camps/units maintained substantial compliance with **Provisions 12 and 23**. For the remaining nine provisions, we noted that:

- For **Provision 11**, which only applied to the Challenger Memorial Youth Center Security Unit, Probation did not maintain the 80% substantial compliance rate. Specifically, for six (29%) of the 21 OC spray incidents we reviewed, the canister weight indicated on the incident report did not match the weight indicated on the OC spray weight log.

Probation's attached response indicates that after our review, they issued a memo to staff specifying the proper procedures for recording information on the OC spray weight log.

- For **Provision 17**, Probation maintained substantial compliance at ten (77%) of the 13¹ camps/units. For the remaining three camps/units, Probation did not maintain the 80% substantial compliance rate. Specifically, Probation did not appropriately

¹ Some of the settlement agreement provisions only apply to some of the camps/units due to the differences in juvenile populations and services among the camps/units.

award Behavioral Management Program (BMP or Program) Made Days to 11 (34%) of the 32 minors reviewed.

Probation's response indicates that they will provide refresher training to all existing BMP Coordinators, and will ensure that new BMP Coordinators are properly trained before they assume Program responsibilities.

- For **Provision 19**, Probation maintained substantial compliance at ten (71%) of the 14 camps/units. For the remaining four camps/units, Probation did not maintain the 80% substantial compliance rate. For example, four (50%) of the eight minors involved in YOYV incidents at one camp/unit did not receive medical assessments. In addition, Probation did not maintain documentation that 13 (36%) of the 36 minors involved in YOYV incidents at three camps/units fully participated in an interactive process with Probation staff.

Probation's response indicates that they will issue a memo to all staff to ensure compliance with youth medical assessments. In addition, Probation indicated that camp directors were notified to ensure that staff fully complete the interactive process for youth involved in YOYV incidents and maintain supporting documentation.

- For **Provisions 27, 29, 30, and 31**, Probation maintained substantial compliance at eight (67%) of the 12¹ camps/units. For the remaining four camps/units, Probation did not maintain the 80% substantial compliance rate. For example, we reviewed the documentation for six minors who were placed on enhanced supervision and noted that Probation did not complete Safety Check Sheets for two (33%) minors, did not maintain Special Incident Reports (SIRs) for three (50%) minors, and supervisors did not always review the SIRs for two (33%) minors.

Probation's response indicates agreement that a Safety Check Sheet was not completed for one minor, but that it was not required for the other minor because he was housed in the dormitory. However, Probation's monitoring procedures indicate that Safety Check Sheets need to be completed for all minors on enhanced supervision. Probation's response also indicates that they will issue a memo to reinforce the importance of maintaining and reviewing all SIRs.

- For **Provision 45**, Probation maintained substantial compliance at nine (64%) of the 14 camps/units. For the remaining five camps/units, Probation did not provide 19 (38%) of the 50 sign-in sheets and post-tests we requested to support that staff were trained.

Probation's response indicates that although they could not locate the remaining sign-in sheets, their training database indicates that a majority of the staff completed

the training. Probation also indicated that going forward, they will ensure that training coordinators retain copies of all sign-in sheets.

- For **Provision 73**, Probation maintained substantial compliance at nine (75%) of the 12¹ camps/units. For the remaining three camps/units, Probation staff did not always document that they met with the minors weekly as required. Probation should ensure that staff work with the minors to ensure that youth transitioning into the community have adequate access to treatment and support services.

Probation's response indicates that they will issue a memo to staff reiterating the importance of documenting their weekly meetings and interactions with minors.

Details of our review are attached (Attachment I).

Review of Report

We thank Probation management and staff for their cooperation and assistance during our review. The Department's attached response (Attachment IV) indicates general agreement with our findings. If you have any questions please call me, or your staff may contact Aggie Alonso at (213) 253-0304.

JN:AB:PH:AA:jh

Attachments

- c: Sachi A. Hamai, Chief Executive Officer
Calvin C. Remington, Interim Chief Probation Officer
Mitchell H. Katz, M.D., Director, Los Angeles County Health Agency
Jonathan E. Sherin, Ph.D., Director, Department of Mental Health
Debra Duardo, Ed.D., Superintendent, Los Angeles County Office of Education
Public Information Office
Audit Committee

**PROBATION DEPARTMENT JUVENILE CAMPS
COMPLIANCE WITH THE DEPARTMENT OF
JUSTICE SETTLEMENT AGREEMENT REVIEW
JUNE THROUGH AUGUST 2016**

Background and Scope

On August 17, 2010, the Board of Supervisors (Board) instructed the Auditor-Controller to monitor the Probation Department's (Probation or Department) progress in implementing the Department of Justice (DOJ) settlement agreement provisions using the monitoring tools developed by Probation and the DOJ Monitor. Since the DOJ completed their monitoring in February 2015, we continued to monitor the provisions using Probation's updated monitoring tools. The monitoring tools include specific criteria which determine that Probation is in "substantial compliance" with the requirements of the provision if they receive a score of 80% or higher.

During this review, we evaluated Probation's continued compliance with the following 17 provisions at the 12 juvenile camps and two specialized units (camps/units). The review period covered one month at each camp/unit between June through August 2016.

- Provision 11 – Oleoresin Capsicum (OC or Pepper) Spray
- Provision 12 – Use of Force Review
- Provision 14 – Consumption of Alcohol by Staff
- Provision 17 – Rehabilitation and Behavior Management
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- Provision 31 – Suicide Precautions for Youth Awaiting Transfer to Another Facility
- Provision 32 – Suicide Prevention Training
- Provision 43 – Substance Abuse
- Provision 45 – Staff Understanding of Mental Health and Developmental Disability Needs
- Provision 73 – Increased Access to Community Alternatives

Probation maintained substantial compliance at all the applicable camps/units for **Provisions 14, 18, 20, 21, 32, and 43**, and over 80% of Probation's camps/units maintained substantial compliance with **Provisions 12 and 23**. Details of our review are below.

Provision 11 – Oleoresin Capsicum (OC or Pepper) Spray

The DOJ settlement agreement requires Probation to develop and implement policies, procedures, and practices to restrict the use of OC spray to appropriate circumstances, enable supervisors to maintain appropriate controls over spray use and storage, restrict the carrying of OC spray to only those individuals who need to carry and use it, prevent, wherever possible, the use of OC spray on populations for whom its use is contrary to doctors' instructions, and ensure that decontamination occurs properly.

This provision only applies to the Challenger Memorial Youth Center (Challenger) Security Unit, which administers the pepper spray canisters at four camps and two specialized units located at Challenger.

Results:

We reviewed 21 OC spray incidents that occurred in July 2016 at Challenger. For six (29%) of the 21 incidents, the canister weight indicated on the incident report did not match the weight indicated on the OC spray weight log. Probation should investigate any weight discrepancies to ensure that staff used the OC spray appropriately and as indicated in their incident report.

Provision 12 – Use of Force Review

The DOJ settlement agreement requires Probation to develop and implement a system to review the use of force and alleged child abuse by senior management so that they can use the information gathered to improve training and supervision of staff, guide staff discipline, and/or make policy or programmatic changes as needed.

This provision applies to all 14 camps/units.

Percentage of Camps/Units in Substantial Compliance: 93%

Results:

Probation maintained substantial compliance with Provision 12 at 13 (93%) of the 14 camps/units. For the remaining camp/unit, the use of force was allegedly not justified for two (22%) of the nine incidents reviewed. Specifically, both incidents involved the use of OC spray and the staff allegedly did not follow appropriate procedures, such as physical intervention attempts and verbal warnings, prior to using the OC spray. Probation appropriately identified the issues and referred both incidents to their Internal Affairs Unit (IA). Probation indicated that the results of their investigations are still pending.

Provision 14 – Consumption of Alcohol by Staff

The DOJ settlement agreement requires Probation to ensure that staff at the Probation camps do not maintain or consume alcohol at the camps.

This provision applies to all 14 camps/units.

Percentage of Camps/Units in Substantial Compliance: 100%

Results:

Probation maintained substantial compliance with Provision 14 at all 14 camps/units. The Department had the appropriate notices at each facility, and conducted random searches of staffs' bags and items as required.

Provision 17 – Rehabilitation and Behavior Management

The DOJ settlement agreement requires Probation to:

- Provide formal daily programming that incorporates education, recreation, and specialized rehabilitative and/or treatment programs for the minors and incorporate a points-driven behavior program that addresses negative behavior and rewards positive behavior. This requirement applies to 12 camps/units.*
- Provide either Aggression Replacement Training or Dialectical Behavior Therapy to each minor and for the minors to attend at least 80% of their assigned sessions. This requirement applies to 12 camps/units.*
- Only isolate minors in a Special Housing Unit (SHU) as a last resort and to prevent, or in response to, violent or aggressive behavior. In addition, Probation must document justification for extending a minor's isolation past eight hours prior to the extension, and must separately document justification for isolating a minor in a SHU for 24 consecutive hours or more. This requirement applies to 13 camps/units.*

As a result of a Board motion on May 3, 2016, Probation began converting all SHUs into Healing Opportunity and Positive Engagement (HOPE) Centers in an effort to end solitary confinement. A HOPE Center is intended to be a youth-friendly, engaging, and safe place where staff can work with the youth to de-escalate during aggressive behavior. During our review, Probation indicated that they were still in the process of revising their policies and procedures and therefore, we applied the existing SHU policies and procedures mentioned above.

Percentage of Camps/Units in Substantial Compliance: 77%

Results:

Probation maintained substantial compliance with Provision 17 at ten (77%) of the 13 camps/units. For the remaining three camps/units, Probation did not appropriately award Behavioral Management Program (BMP or Program) Made Days to 11 (34%) of the 32 minors reviewed. As part of the BMP, minors earn daily points for demonstrating compliant, pro-social behavior, and participating in education programs. BMP Made Days can be earned when the minors reach a certain number of points at the end of each day, and consecutive BMP Made Days result in stage promotions that come with special privileges, including the potential for early release. Probation needs to ensure that staff appropriately administer the BMP so that the effectiveness of the Program is not diminished.

Provisions 18, 20, 32, and 45 – Staff Training Provisions

The DOJ settlement agreement requires that staff who work with Probation youth are adequately trained in youth supervision, child abuse reporting, suicide prevention, and mental health and developmental disability needs. Specifically, the DOJ settlement agreement requires:

- *Staff who work with youth residents have the knowledge and skills needed to effectively manage youth, including de-escalation techniques, crisis intervention, youth development, and supervision (Provision 18 – Staff Training and Supervision of Youth).*
- *Probation develop policies, practices, and procedures to define those circumstances in which staff must report allegations of child abuse or neglect to the appropriate external agencies. In addition, Probation, Los Angeles County Office of Education (LACOE), and Juvenile Court Health Services (JCHS) staff are required to attend training on the policies, practices, and procedures (Provision 20 – Child Abuse Reporting).*
- *All Probation, Department of Mental Health, LACOE, and JCHS camp staff who work with youth are sufficiently trained in suicide prevention so that they understand how to prevent and respond to crises, including practical matters such as the location and use of a cut-down tool in the event of a youth's attempted hanging (Provision 32 – Suicide Prevention Training).*
- *All staff working with youth residents have the skills and information necessary to understand behaviors of, engage in appropriate interactions with, and respond to needs of youth with mental illness and developmental disabilities (Provision 45 – Staff Understanding of Mental Health and Developmental Disability Needs).*

These provisions apply to all 14 camps/units.

Percentage of Camps/Units in Substantial Compliance:

- Provision 18: 100%
- Provision 20: 100%
- Provision 32: 100%
- Provision 45: 64%

Results:

Probation maintained substantial compliance with Provisions 18, 20, and 32 at all 14 camps/units. In addition, Probation maintained substantial compliance with Provision 45 at nine (64%) of the 14 camps/units. For the remaining five camps/units, Probation did not provide 19 (38%) of the 50 sign-in sheets and post-tests we requested for the mental health and developmental disability needs training.

Probation needs to ensure that all staff attend the required training and maintain supporting documentation.

Provision 19 – Reduction of Youth-on-Youth Violence (YOYV)

The DOJ settlement agreement requires Probation to develop and implement strategies for reducing YOYV that includes training staff in appropriate behavior management, recognition and response to gang dynamics, and violence reduction techniques.

This provision applies to all 14 camps/units.

Percentage of Camps/Units in Substantial Compliance: 71%**Results:**

Probation maintained substantial compliance with Provision 19 at ten (71%) of the 14 camps/units. For the remaining four camps/units:

- Four (50%) of the eight minors involved in YOYV incidents at one camp/unit did not receive medical assessments after the incidents occurred.
- Probation did not maintain documentation to support that 13 (36%) of the 36 minors involved in YOYV incidents at three camps/units fully participated in an interactive process with Probation staff to discuss the incident and efforts to avoid future violent behavior.
- Fourteen (30%) of the 47 staff at one camp/unit did not sign Probation Directive 1193: Reducing Youth-on-Youth Violence, to acknowledge that they have read and understand the Directive.

Probation must ensure that minors involved in these incidents did not sustain injuries, that staff understand the appropriate procedures, and that staff work with the youth to make efforts to avoid future YOYV incidents.

Provision 21 – Child Abuse Investigation

The DOJ settlement agreement requires Probation to develop and implement a system for the timely, thorough, and independent investigation of alleged child abuse. Staff who are the subject of an allegation of child abuse shall be removed from direct youth supervision pending the outcome of the referral or investigation.

This provision only applies to IA.

Results:

Probation maintained substantial compliance with Provision 21. The Department appropriately referred suspected child abuse cases to IA, who investigated the cases timely.

Provision 23 – Grievance System

The DOJ settlement agreement requires Probation to develop an effective grievance system to which youth have access to when they have complaints. In addition, Probation must ensure that grievances may be filed confidentially, that they receive the appropriate follow-up, and that the resolutions are tracked. The County shall ensure that the grievance system provides youth with a safe avenue to report abuse, staff misconduct, or unfair treatment.

This provision applies to 12 camps/units.

Percentage of Camps/Units in Substantial Compliance: 83%

Results:

Probation maintained substantial compliance with Provision 23 at ten (83%) of the 12 camps/units. For the remaining two camps/units, Probation did not appropriately respond to four (80%) of the five grievances we reviewed. Specifically, Probation did not respond to:

- One grievance, and was unable to locate one other grievance that Probation noted they received at one camp/unit.
- Two grievances within seven days as required at one camp/unit.

Probation did not provide an explanation for not responding to the four grievances. The Department should ensure that all grievances are accounted for and appropriately addressed within the required timeframe.

Provisions 27, 29, 30, and 31 – Enhanced Supervision Provisions

The DOJ settlement agreement requires Probation to develop and implement policies, procedures, and practices to ensure that:

- *Mental health staff are sufficiently involved with Probation and education staff in the management of youth exhibiting suicidal behaviors, including creation of individual behavior modification programs, and decisions and appropriate clothing, bedding, and housing (Provision 27 – Management of Suicidal Youth).*
- *Information is thoroughly and correctly documented, and provide information to all staff who need to know such information. Specifically, a) the times youth are placed on and removed from precautions; b) the levels of precautions on which youth are maintained; c) the housing locations of youth on precautions; d) the conditions of the precautions; and e) the times and circumstances of all observations by staff monitoring the youth (Provision 29 – Documentation of Suicide Precautions).*
- *Adequate suicide precautions are provided to youth who are awaiting transfer to another facility for mental health assessment (Provision 31 – Suicide Precautions for Youth Awaiting Transfer to Another Facility).*

In addition, Provision 30 requires Probation to sufficiently supervise youth newly assigned to a camp, youth in seclusion, and other youth at heightened risk of self-harm to maintain their safety.

Probation updated the monitoring tools to combine the requirements of the four provisions into one monitoring tool. These provisions apply to 12 camps/units.

Percentage of Camps/Units in Substantial Compliance: 67%

Results:

Probation maintained substantial compliance with the Enhanced Supervision Provisions at eight (67%) of the 12 camps/units. For the remaining four camps/units, we reviewed the documentation for six minors who were placed on enhanced supervision as a result of mental health assessments and noted that Probation staff did not always:

- Complete the Safety Check Sheets for two (33%) minors. Staff must complete the Safety Check Sheets to document that they are monitoring the minors to ensure that the minors are safe from self-harm. (Provision 29)

- Maintain Special Incident Reports (SIRs) for three (50%) minors, and supervisors did not always review the SIRs for two (33%) minors. Staff must prepare SIRs to appropriately document special incidents, such as minors placed on enhanced supervision, and supervisors must review and approve the reports. (Provision 27)

In addition, 20 (48%) of the 42 staff at one camp/unit did not always acknowledge that they reviewed the Mental Health Log. (Provision 29)

Probation must ensure that minors placed on enhanced supervision are appropriately monitored, and that special incidents are documented. In addition, all staff must review the Mental Health Log to ensure that they are aware of the minors that require enhanced supervision.

Provision 43 – Substance Abuse

The DOJ settlement agreement requires Probation to provide substance abuse treatment for minors who have a confirmed diagnosis or are otherwise identified as needing substance abuse treatment. The Department must document when a minor refuses treatment and make a reasonable attempt to redirect the minor back to treatment. In addition, Probation is required to take steps to prevent the youth from having access to illegal drugs. The Department should also ensure that minors attending a substance abuse treatment program participate in at least 80% of the program.

This provision applies to 12 camps/units.

Percentage of Camps/Units in Substantial Compliance: 100%

Results:

Probation maintained substantial compliance with Provision 43 at the 12 camps/units. The minors who were referred to substance abuse treatment appropriately participated in at least 80% of the program, and Probation staff appropriately documented the reasons where minors refused to attend treatment sessions.

Provision 73 – Increased Access to Community Alternatives

The DOJ settlement agreement requires Probation to promote the rehabilitation of minors by increasing access to community-based alternatives, consistent with public safety and the best interest of the minors. The Department is required to:

- *Minimize juvenile hall and camp confinement to minors who pose a risk to public safety and when the utilization of a less restrictive environment (e.g., home, housing with a relative, etc.) is not appropriate.*

- *Ensure that minors transitioning into the community have access to community-based treatment and support services.*
- *Conduct Multidisciplinary Team (MDT) meetings with the minors to address their treatment and service needs and include their parent/guardian, camp/unit Probation Officer, and Aftercare Probation Officer. Probation must conduct initial MDT meetings for all minors within 14 days of their arrival at the camps/units, and transitional MDT meetings at least 30 days prior to their release.*

This provision applies to 12 camps/units.

Percentage of Camps/Units in Substantial Compliance: 75%

Results:

Probation maintained substantial compliance with Provision 73 at nine (75%) of the 12 camps/units. For the remaining three camps/units, Probation staff did not always document that they met with the minors weekly as required. Probation should ensure that staff work with the minors to ensure that youth transitioning into the community have adequate access to treatment and support services.

**PROBATION DEPARTMENT JUVENILE CAMPS
DEPARTMENT OF JUSTICE (DOJ) SETTLEMENT AGREEMENT
PROVISIONS MONITORED BY THE AUDITOR-CONTROLLER (A-C)
SUMMARY OF DOJ MONITORING RESULTS
JUNE THROUGH AUGUST 2016**

Seventeen Provisions Monitored During This Review Period

Provision	Description	Fully Implemented (1)	A-C Results (2)
11	Oleoresin Capsicum (OC or Pepper) Spray	2/27/2012	(3)
12	Use of Force Review	10/31/2012	93%
14	Consumption of Alcohol by Staff	2/27/2012	100%
17	Rehabilitation and Behavior Management	10/31/2014	77%
18	Staff Training and Supervision of Youth	10/31/2012	100%
19	Reduction of Youth-on-Youth Violence (YOYV)	12/31/2012	71%
20	Child Abuse Reporting	10/30/2012	100%
21	Child Abuse Investigation	10/31/2012	(3)
23	Grievance System	2/27/2012	83%
27	Management of Suicidal Youth	10/31/2012	67%
29	Documentation of Suicide Precautions	10/31/2012	67%
30	Supervision of Youth at Risk of Self-Harm	10/31/2012	67%
31	Suicide Precautions for Youth Awaiting Transfer to Another Facility	10/31/2012	67%
32	Suicide Prevention Training	10/30/2012	100%
43	Substance Abuse	6/13/2014	100%
45	Staff Understanding of Mental Health and Developmental Disability Needs	10/30/2012	64%
73	Increased Access to Community Alternatives	12/13/2014	75%

Six Provisions Not Monitored During This Review Period

Provision	Description	Fully Implemented (1)
10	Use of Force (Policy Development)	12/31/2012
16	Orientation	11/29/2011
24	Youth Movement Between Probation Camps and/or Halls	10/31/2011
25	Development and Implementation of Suicide Prevention Policy	10/31/2011
34	Screening	2/27/2012
46	Discharge Summaries	2/27/2012

Footnote Legend:

- (1) The DOJ Monitor indicated that Probation fully met the requirements of these provisions by maintaining "substantial compliance" for 12 consecutive months (14 consecutive months for provisions 10 and 19).
- (2) Results are the percentage of the camps/units that maintained substantial compliance for each provision.
- (3) Provisions 11 and 21 do not have percentages because Provision 11 only applied to the Challenger Youth Memorial Center Security Unit, and Provision 21 only applied to the Internal Affairs Unit. Probation did not maintain substantial compliance with Provision 11, and did maintain substantial compliance with Provision 21.

**PROBATION DEPARTMENT JUVENILE CAMPS
DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT PROVISIONS**

Seventeen Provisions Monitored During This Review Period

Provision 11 – Oleoresin Capsicum (OC or Pepper) Spray: The County shall develop and implement policies, procedures, and practices to restrict the use of OC spray to appropriate circumstances, enable supervisors to maintain appropriate controls over spray use and storage, restrict the carrying of OC spray to only those individuals who need to carry and use it, prevent, wherever possible, the use of OC spray on populations for whom its use is contrary to doctors' instructions, and ensure that decontamination occurs properly.

Provision 12 – Use of Force Review: The County shall develop and implement a system to review the use of force and alleged child abuse by senior management so that they can use the information gathered to improve training and supervision of staff, guide staff discipline, and/or make policy or programmatic changes as needed.

Provision 14 – Consumption of Alcohol by Staff: The County shall ensure that staff at the Probation camps do not maintain or consume alcohol at the camps.

Provision 17 – Rehabilitation and Behavior Management: The County shall provide adequate rehabilitative programming and gender-specific programming, where appropriate. The County shall provide a facility-wide behavioral management system that is implemented throughout the day, including school time.

Provision 18 – Staff Training and Supervision of Youth: The County shall ensure that staff who work with youth residents have the knowledge and skills needed to effectively manage youth, including de-escalation techniques, crisis intervention, youth development, and supervision.

Provision 19 – Reduction of Youth-on-Youth Violence (YOYV): The County shall develop and implement strategies for reducing YOYV that includes training staff in appropriate behavior management, recognition and response to gang dynamics, and violence reduction techniques.

Provision 20 – Child Abuse Reporting: The County shall develop policies, practices, and procedures to define those circumstances in which staff must report allegations of child abuse or neglect to the appropriate external agencies.

Provision 21 – Child Abuse Investigation: The County shall develop and implement a system for the timely, thorough, and independent investigation of alleged child abuse. Staff who are the subject of an allegation of child abuse shall be removed from direct youth supervision pending the outcome of the referral or investigation.

Provision 23 – Grievance System: The County shall develop an effective grievance system to which youth have access to when they have complaints. In addition, Probation must ensure that grievances may be filed confidentially, that they receive the appropriate follow-up, and that the resolutions are tracked. The County shall ensure that the grievance system provides youth with a safe avenue to report abuse, staff misconduct, or unfair treatment.

Provision 27 – Management of Suicidal Youth: The County shall develop and implement policies, procedures, and practices to ensure that mental health staff are sufficiently involved with Probation and education staff in the management of youth exhibiting suicidal behaviors, including creation of individual behavior modification programs, and decisions and appropriate clothing, bedding, and housing.

Provision 29 – Documentation of Suicide Precautions: The County shall develop and implement policies, procedures, and practices to ensure that the following information is thoroughly and correctly documented, and provide information to all staff who need to know such information: a) the times youth are placed on and removed from precautions; b) the levels of precautions on which youth are maintained; c) the housing locations of youth on precautions; d) the conditions of the precautions; and e) the times and circumstances of all observations by staff monitoring the youth.

Provision 30 – Supervision of Youth at Risk of Self-Harm: The County shall sufficiently supervise youth newly assigned to a camp, youth in seclusion, and other youth at heightened risk of self-harm to maintain their safety.

Provision 31 – Suicide Precautions for Youth Awaiting Transfer to Another Facility: The County shall develop and implement policies, practices, and procedures to ensure that adequate suicide precautions are provided to youth who are awaiting transfer to another facility for mental health assessment.

Provision 32 – Suicide Prevention Training: The County shall ensure that all camp staff who work with youth are sufficiently trained in suicide prevention so that they understand how to prevent and respond to crises, including practical matters such as the location and use of a cut-down tool in the event of a youth's attempted hanging.

Provision 43 – Substance Abuse: The County shall develop and implement policies, procedures, and practices to address substance abuse disorders appropriately.

Provision 45 – Staff Understanding of Mental Health and Developmental Disability Needs: The County shall ensure that all staff working with youth residents have the skills and information necessary to understand behaviors of, engage in appropriate interactions with, and respond to needs of youth with mental illness and developmental disabilities.

Provision 73 – Increased Access to Community Alternatives: The County agrees to ensure that treatment and services referenced in the Memorandum of Agreement are provided in the least restrictive setting, consistent with public safety, the best interests of the youth, and the goal of rehabilitation.

Six Provisions Not Monitored During This Review Period

Provision 10 – Use of Force (Policy Development): The County shall develop and implement a comprehensive policy and accompanying practices governing use of force, ensuring that the least amount of force necessary for the safety of staff, youth residents, and visitors is used on youth.

Provision 16 – Orientation: The County shall ensure that all youth, including those who are disabled or Limited English Proficient, receive orientation sufficient to communicate important information, such as how to access the grievance system, medical care, and mental health services, or report staff misconduct.

Provision 24 – Youth Movement Between Probation Camps and/or Halls: The County shall ensure that movement of youth residents between facilities does not interfere with ongoing testing or provision of medical, mental health, or educational services at the Probation camps, unless court proceedings, treatment, or security needs require such movement.

Provision 25 – Development and Implementation of Suicide Prevention Policy: The County shall develop and implement adequate policies, procedures, and practices relating to suicide prevention.

Provision 34 – Screening: The County shall develop and implement policies, procedures, and practices for initial mental health screening to allow the identification of previously diagnosed and potentially existing mental health or substance abuse disorders, including potential suicidality. Such screening shall take place within 48 hours prior to a youth's delivery to a camp, or within 24 hours after a youth's arrival at the camp.

Provision 46 – Discharge Summaries: The County shall provide aftercare planning and discharge summaries for youth leaving the facility who have, or have had, open mental health cases at a camp to facilitate treatment in future placements.



**COUNTY OF LOS ANGELES
PROBATION DEPARTMENT**


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CALVIN C. REMINGTON
Interim Chief Probation Officer

November 21, 2016

TO: John Naimo
Auditor-Controller
Auditor-Controller's Office

FROM:  Calvin C. Remington,
Interim Chief Probation Officer

SUBJECT: **LOS ANGELES COUNTY PROBATION DEPARTMENT'S RESPONSE TO THE
AUDITOR-CONTROLLER'S REVIEW OF THE DEPARTMENT OF JUSTICE
SETTLEMENT AGREEMENT COMPLIANCE AT THE CAMPS COVERING
JUNE THROUGH AUGUST 2016**

Attached is the Probation Department's response to the findings contained in the Auditor-Controller's Status Report of the Department of Justice (DOJ) Settlement Agreement compliance at the camps. The Department remains committed to taking the necessary corrective actions to ensure ongoing compliance with the DOJ Settlement Agreement.

The Department has continued to conduct monthly reviews of its camps to ensure that all DOJ Settlement Agreements are maintained, and to ensure quality treatment is provided to juveniles in a safe and secure setting. The Auditor-Controller's review for the period of June through August 2016, has assisted the Department as it continues to endeavor to achieve full compliance with each provision of the DOJ Settlement Agreement.

Thank you and your staff for your work, and we appreciate the opportunity to include our response with the release of your audit. Please contact me if you have any questions, or your staff may contact Hellen Carter, Bureau Chief, at (562) 940-2057.

CCR:HC:lb

Attachment(s)

Rebuild Lives and Provide for Healthier and Safer Communities

PROBATION DEPARTMENT RESPONSE TO THE AUDITOR-CONTROLLER'S REVIEW OF DOJ SETTLEMENT COMPLIANCE AT THE CAMPS

The Auditor Controller found Probation in substantial compliance (80% or above) at all of the applicable camps/units for Provisions 14, 18, 20, 21, 32, and 43, and over 80 percent of the camps/units maintained substantial compliance with Provisions 12 and 23.

Responses to Provision deficits Identified during the audit include:

Provision 11 – Oleoresin Capsicum (OC or Pepper) Spray

Auditor-Controller Findings:

- **A:** This provision only applied to the Challenger Memorial Youth Center Security Unit and Probation did not maintain 80% substantial compliance with OC canister weight documentation. In six (29%) of the 21 OC spray incidents reviewed, the canister weight on the incident report did not match the weight indicated on the OC spray log.

Response: Agree. In a memo dated November 2, 2016, all supervisors responsible for tracking the OC canisters pre-weight and post-weight for every physical intervention incident involving OC were given step by step instructions on how to accurately record the information and log the statistical data for historical purposes.

Provision 12 – Use of Force Review

Auditor-Controller Results:

- **A:** Probation maintained substantial compliance at 13 (93%) of the 14 camps/units. For the remaining camps/units, the use of force was not justified for two (22%) of the nine incidents reviewed. Probation appropriately identified the issues and referred both incidents to their Special Investigations Unit (SIU).

Response: Agree. As indicated by the Auditor-Controller, thirteen (13) of the fourteen (14) camps/units were in substantial compliance with Provision 12. In one of the camps, staff allegedly did not follow appropriate Use of Force procedures in two incidents. The Department appropriately identified the possible policy violation and both incidents were referred to their Internal Affairs Unit (IA) for further investigation. As of the date of the findings, the investigations are still pending.

Provision 17 – Rehabilitation and Behavior Management

Auditor-Controller Findings:

- **A:** Probation did not award 11 (34%) of the 32 youth reviewed at three camps with Behavior Management Program (BMP or Program) Youth Made Days.

Response: Agree. The Department will provide refresher training to all BMP Coordinators and will ensure that newly appointed BMP Coordinators are trained prior to being held responsible for updating any BMP Tracking Logs. In addition, a discussion will be held with Los Angeles County Office of Education to ensure that the school suspensions and referrals are appropriately and timely submitted to the Department, so that "Youth's Made Days" are updated accordingly.

Provisions 19 – Reduction of Youth-on-Youth Violence (YOYV)

Auditor-Controller Findings:

- **A:** Four (4) of the eight (8) minors involved in YOYV incidents did not receive medical assessments.

Response: Agree. The initial Special Incident Report (SIR) identified the incident as horse-playing; therefore, the minors did not receive medical attention. However, the incidents were logged as a YOYV incident in the Department's Tracking Log, which resulted in a discrepancy for auditing purposes. The Department agrees that all minors must be medically examined after any type of physical contact that may have injured the minor. Therefore, all managers have been instructed to ensure that all minors involved in any incidents related to horse-playing be examined by Juvenile Court Health Services (JCHS) and to ensure compliance a memorandum will also be issued to camps/units staff.

- **B:** Thirteen (13) of the 36 minors involved in YOYV incidents at three camps/units did not participate in an interactive process with Probation staff.

Response: Agree. Probation agrees that 13 YOYV contracts were not located in the minors' Safe Crisis Management (SCM) Review packets. The contract allows the minors to provide a reason why the incident occurred, how it could have been prevented, and allows for a dialogue to take place between the minors involved to prevent future youth violence. This contract is one part of the complete SCM process. The interactive process involves various assessments and documentation by partner agencies, Probation staff, and youth on standardized forms which are compiled into a SCM Review packet. Probation did address the minors' welfare needs and the overall interactive process did take place for all thirteen (13) minors. The Department has notified all Camp Directors to ensure that the YOYV contracts are completed timely after all YOYV incidents and to ensure the contracts are maintained in the SCM Review packets.

Provision 23-Grievances

Auditor-Controller Results:

- **A:** Probation maintained substantial compliance at ten (83%) of the 12 camps/units. For the remaining two camps/units, Probation did not appropriately respond to four (80%) out of the five grievances we reviewed.

Response: Agree. As noted by the Auditor-Controller, the Department maintained substantial compliance at ten (83%) of the 12 camps/units. It is the goal of the Department for all camps to be in compliance. Therefore, to ensure that all grievances are accounted for and addressed within the required timelines, a memo will be issued to all supervisors and managers reiterating the Department's Grievance Policy.

Provisions 27, 29, 30 and 31 – Mental Health

Auditor-Controller Findings:

- **A:** Probation maintained substantial compliance at eight (67%) of the 12 camps/units. For the remaining four camps/units, documentation for six minors who were placed on enhanced supervision, Probation did not complete Safety Check Sheets for two (33%) minors.

Response: Partially Agree. The Department agrees that a Safety Check Sheet was not completed for an enhanced supervision minor that was housed in the HOPE Center behind a closed door, as required per Directive 1188 (Enhanced and Specialized Supervision Requirement for minors in Juvenile Facilities). However, the other minor was housed in the dormitory and per Directive 1188, a Safety Check Sheet is not required for an enhanced supervision minor who is housed in a dormitory camp. Per the Directive, *"level 2 minors shall be placed in a bed that is immediately adjacent to the dormitory control center, directly in the continuous and direct line of sight of assigned supervision staff at all times"*. The Department will continue to audit the documentation of all enhanced supervision minors to ensure a safe and secure environment for all minors under its care.

- **B:** Probation did not maintain Special Incident Reports (SIRs) for three (50%) minors.

Response: Agree. A memo will be issued to all supervisors and managers reinforcing the necessity and importance of reviewing and maintaining all SIRs.

- **C:** Probation supervisors did not always review the SIRs for two (33%) minors.

Response: Agree. A memorandum will be issued to all supervisors and managers reinforcing the necessity and importance of reviewing and maintaining all SIRs.

Provision 45 – Staff Understanding of Mental Health and Developmental Disability Needs

Auditor-Controller Findings:

- **A:** Probation maintained substantial compliance at nine (64%) of the 14 camps/units. For the remaining five camps/units, Probation did not provide 19 (38%) of the 50 sign-in sheets and post-tests we requested to support that the staff were trained.

Response: Agree. The Department agrees that nineteen (19) of the fifty (50) Introduction to Mental Health Overview Course sign-in rosters were not located.

The Department's Staff Training Office (STO) Electronic Database is the official record keeper of all courses taken by peace officers throughout the Department. The database is able to provide individual ad-hoc training transcripts, which confirm that the 84% of the 19 officers did take the Mental Health Overview Course. However, the Auditor-Controller's office requires actual sign-in-rosters as confirmation of course completion.

In addition, the Department's database is in compliance with record keeping practices with the State of California Department of Corrections and Rehabilitations, Division of Corrections Standards Authority. The STO database reflects that over 90% of all 741 RTSB sworn staff have taken and successfully completed the Mental Health Overview course.

The STO will continue to be the official holder of all training records. As the Department moves forward, all Camp Staff Training Coordinators will be instructed to retain copies of all training rosters.

Provision 73 – Re-Entry

Auditor-Controller Findings:

- **A:** Probation maintained substantial compliance at nine (75%) of the 12 camps/units. For the remaining three camps/units, Probation staff did not always document that they met with the minors weekly.

Response: Agree. The weekly interactions and meetings with the minors are taking place; however, the Department agrees that in some instances there were lack of automated documentation. The Department will issue a memo to all officers reminding them of the importance of documenting their weekly meetings or interactions with their assigned minor(s). The RTSB managers will be responsible for ensuring compliance of this provision.